THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.17427 OF 1995

Date: 26th September 2006

Between:
The Depot Manager, APSRTC,
Tandur Depot.

.... Petitioner

And

1. The Presiding Officer, Labour Court-III,
   Hyderabad and another.

.... Respondents.

* * *

ORDER:

This writ petition is directed against the Award dated 24.02.1995 made in I.D.No.224 of 1993 on the file of the Labour Court-III, Hyderabad.

2. It appears that the second respondent was appointed as conductor in the petitioner corporation. While he was conducting a bus on 09.12.1987, checking officials found certain cash and ticket irregularities. A detailed enquiry was conducted into the charges levelled against the second respondent and the enquiry officer found that the charges were proved. After considering the explanation

submitted by the second respondent to the show cause notice, an order dated 18.8.1988 was passed removing the second respondent from service. The appellate authority also confirmed the same. Thereafter, the second respondent filed a petition under Section 2-A of the Industrial Disputes Act (for short 'the Act') questioning the order of removal. After a detailed consideration of the industrial dispute, the Labour Court directed the petitioner herein to reinstate the second respondent into service with continuity of service by giving attendant benefits but without back wages and with a further punishment of deferment of increment for a period of six months without cumulative effect. Aggrieved by the same, the present writ petition is filed.

3. At the time of admission of the writ petition, except reinstatement of the petitioner, rest of the award, passed by the Labour Court, was stayed.

4. It is the contention of the learned counsel for the petitioner-management that the misconduct alleged against the second respondent was grave in nature and the same was proved, therefore, the Labour Court ought not to have interfered with the punishment imposed by the management while exercising its powers under Section

11-A of the Industrial Disputes Act, 1947. Therefore, the Award under challenge is liable to be set aside.

5. I have perused the impugned Award and other material made available on record. I am of the opinion that the reasons recorded by the Labour Court holding that the punishment of removal is not justified, are very cogent. The Labour Court has taken every care in directing the reinstatement while exercising its powers vested under Section 11-A of the Act. Therefore, it is rightly pointed out that the second respondent is not entitled for any back wages, and he is entitled to only continuity of service and further as a measure of punishment his one increment was directed to be deferred for six months without cumulative effect. The writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J.

Date: 26th September 2006.
BSB